

AMENDED IN SENATE AUGUST 12, 2008

AMENDED IN ASSEMBLY MAY 12, 2008

AMENDED IN ASSEMBLY APRIL 22, 2008

AMENDED IN ASSEMBLY APRIL 3, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2810

Introduced by Assembly Member Brownley

(Coauthor: Senator Romero)

February 22, 2008

An act to amend Section 6254 of the Government Code, and to amend Section 293 of, and to amend ~~and renumber~~, *renumber*, and add Section 236.2 of, the Penal Code, relating to human trafficking.

LEGISLATIVE COUNSEL'S DIGEST

AB 2810, as amended, Brownley. Human trafficking.

Existing law defines human trafficking as the deprivation of the personal liberty of another person with the intent to effect a specified sex crime or to obtain forced labor or services, as specified.

This bill would require law enforcement to use due diligence to identify all victims of human trafficking, regardless of citizenship, and would provide specific indicators of human trafficking. This bill would also provide that a victim of human trafficking could request, and upon that request require, that his or her name not become a matter of public record, as specified.

Because this bill would impose additional duties on local officials, it would impose a state-mandated local program.

This bill would incorporate additional changes in Section 293 of the Penal Code, proposed by AB 3038, to be operative only if AB 3038 and this bill are both chaptered and become effective on or before January 1, 2009, and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature hereby finds and declares:
- 2 (a) Human trafficking, also called trafficking in persons, is
- 3 modern-day slavery that comes in many forms and is relatively
- 4 ignored despite its effects on the world in pandemic proportions.
- 5 Men, women, and children are trafficked into forced labor and
- 6 commercial sexual exploitation.
- 7 (b) According to the Trafficking in Persons Report (TIP-report
- 8 Report, 2005) published by the United States government's Office
- 9 to Monitor and Combat Trafficking in Persons, approximately
- 10 600,000 to 800,000 persons are trafficked across international
- 11 borders each year with up to 12.3 million in bondage at any given
- 12 moment. The report also estimates that about 80 percent of these
- 13 persons are women and girls, and 50 percent are under 18 years
- 14 of age.
- 15 (c) Those numbers, however, do not include the millions of
- 16 people that are trafficked within their own national borders. When
- 17 the numbers of those being trafficked both internationally and
- 18 intranationally are combined, the number of victims can go up to
- 19 four million. Somewhere between 17,500 and 50,000 women and
- 20 children are trafficked into the United States annually, mainly for
- 21 the purposes of sexual exploitation.
- 22 (d) Sex trafficking is highly profitable and makes up to an excess
- 23 of 12 billion dollars annually.

1 (e) Trafficking into the United States is an acknowledged
2 problem, but often ignored is the fact that trafficking also occurs
3 domestically within the United States borders. Many girls are
4 trafficked into Mexico from other countries, including the United
5 States, where they are prepared for sex work in the United States.
6 When the victims are considered “ready,” they are smuggled across
7 the United States-Mexican border, where they can earn their
8 traffickers tens of thousands of dollars per week.

9 (f) One victim interviewed by Landesman in the New York
10 Times (2004) said she was born in the United States and sold to a
11 trafficker when she was four years old. She was transported to
12 different locations all over the United States and back and forth
13 across the United States-Mexican border. Her customers included
14 businessmen, police, and even a child psychologist.

15 (g) Experiences like those make it even more difficult for victims
16 to seek or find help; when a person is being exploited by those
17 who are supposed to help him or her, there is no one to whom he
18 or she can turn for safety.

19 (h) State and local governments must become actively involved
20 in combating trafficking. At this time, many perpetrators get off
21 with no or minimal penalties, which are less harsh than those
22 inflicted on drug offenders.

23 (i) Law enforcement personnel, social workers, and legal
24 personnel must be trained to understand trafficking in persons,
25 recognize victim profiles, and appreciate the special circumstances
26 and needs of victims. If the people in the community are trained
27 to recognize instances of trafficking and are better equipped to
28 rescue victims and prosecute traffickers, human trafficking could
29 be slowly reduced because each trafficker prosecuted could help
30 save thousands of future victims.

31 SEC. 2. Section 6254 of the Government Code is amended to
32 read:

33 6254. Except as provided in Sections 6254.7 and 6254.13,
34 nothing in this chapter shall be construed to require disclosure of
35 records that are any of the following:

36 (a) Preliminary drafts, notes, or interagency or intra-agency
37 memoranda that are not retained by the public agency in the
38 ordinary course of business, if the public interest in withholding
39 those records clearly outweighs the public interest in disclosure.

1 (b) Records pertaining to pending litigation to which the public
2 agency is a party, or to claims made pursuant to Division 3.6
3 (commencing with Section 810), until the pending litigation or
4 claim has been finally adjudicated or otherwise settled.

5 (c) Personnel, medical, or similar files, the disclosure of which
6 would constitute an unwarranted invasion of personal privacy.

7 (d) Contained in or related to any of the following:

8 (1) Applications filed with any state agency responsible for the
9 regulation or supervision of the issuance of securities or of financial
10 institutions, including, but not limited to, banks, savings and loan
11 associations, industrial loan companies, credit unions, and
12 insurance companies.

13 (2) Examination, operating, or condition reports prepared by,
14 on behalf of, or for the use of, any state agency referred to in
15 paragraph (1).

16 (3) Preliminary drafts, notes, or interagency or intra-agency
17 communications prepared by, on behalf of, or for the use of, any
18 state agency referred to in paragraph (1).

19 (4) Information received in confidence by any state agency
20 referred to in paragraph (1).

21 (e) Geological and geophysical data, plant production data, and
22 similar information relating to utility systems development, or
23 market or crop reports, that are obtained in confidence from any
24 person.

25 (f) Records of complaints to, or investigations conducted by,
26 or records of intelligence information or security procedures of,
27 the office of the Attorney General and the Department of Justice,
28 and any state or local police agency, or any investigatory or security
29 files compiled by any other state or local police agency, or any
30 investigatory or security files compiled by any other state or local
31 agency for correctional, law enforcement, or licensing purposes.
32 However, state and local law enforcement agencies shall disclose
33 the names and addresses of persons involved in, or witnesses other
34 than confidential informants to, the incident, the description of
35 any property involved, the date, time, and location of the incident,
36 all diagrams, statements of the parties involved in the incident, the
37 statements of all witnesses, other than confidential informants, to
38 the victims of an incident, or an authorized representative thereof,
39 an insurance carrier against which a claim has been or might be
40 made, and any person suffering bodily injury or property damage

1 or loss, as the result of the incident caused by arson, burglary, fire,
2 explosion, larceny, robbery, carjacking, vandalism, vehicle theft,
3 or a crime as defined by subdivision (b) of Section 13951, unless
4 the disclosure would endanger the safety of a witness or other
5 person involved in the investigation, or unless disclosure would
6 endanger the successful completion of the investigation or a related
7 investigation. However, nothing in this division shall require the
8 disclosure of that portion of those investigative files that reflects
9 the analysis or conclusions of the investigating officer.

10 Customer lists provided to a state or local police agency by an
11 alarm or security company at the request of the agency shall be
12 construed to be records subject to this subdivision.

13 Notwithstanding any other provision of this subdivision, state
14 and local law enforcement agencies shall make public the following
15 information, except to the extent that disclosure of a particular
16 item of information would endanger the safety of a person involved
17 in an investigation or would endanger the successful completion
18 of the investigation or a related investigation:

19 (1) The full name and occupation of every individual arrested
20 by the agency, the individual's physical description including date
21 of birth, color of eyes and hair, sex, height and weight, the time
22 and date of arrest, the time and date of booking, the location of
23 the arrest, the factual circumstances surrounding the arrest, the
24 amount of bail set, the time and manner of release or the location
25 where the individual is currently being held, and all charges the
26 individual is being held upon, including any outstanding warrants
27 from other jurisdictions and parole or probation holds.

28 (2) Subject to the restrictions imposed by Section 841.5 of the
29 Penal Code, the time, substance, and location of all complaints or
30 requests for assistance received by the agency and the time and
31 nature of the response thereto, including, to the extent the
32 information regarding crimes alleged or committed or any other
33 incident investigated is recorded, the time, date, and location of
34 occurrence, the time and date of the report, the name and age of
35 the victim, the factual circumstances surrounding the crime or
36 incident, and a general description of any injuries, property, or
37 weapons involved. The name of a victim of any crime defined by
38 Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,
39 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,
40 286, 288, 288a, 288.2, 288.3 (as added by Chapter 337 of the

1 Statutes of 2006), 288.3 (as added by Section 6 of Proposition 83
2 of the November 7, 2006, statewide general election), 288.5, 288.7,
3 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may
4 be withheld at the victim's request, or at the request of the victim's
5 parent or guardian if the victim is a minor. When a person is the
6 victim of more than one crime, information disclosing that the
7 person is a victim of a crime defined in any of the sections of the
8 Penal Code set forth in this subdivision may be deleted at the
9 request of the victim, or the victim's parent or guardian if the
10 victim is a minor, in making the report of the crime, or of any
11 crime or incident accompanying the crime, available to the public
12 in compliance with the requirements of this paragraph.

13 (3) Subject to the restrictions of Section 841.5 of the Penal Code
14 and this subdivision, the current address of every individual
15 arrested by the agency and the current address of the victim of a
16 crime, where the requester declares under penalty of perjury that
17 the request is made for a scholarly, journalistic, political, or
18 governmental purpose, or that the request is made for investigation
19 purposes by a licensed private investigator as described in Chapter
20 11.3 (commencing with Section 7512) of Division 3 of the Business
21 and Professions Code. However, the address of the victim of any
22 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,
23 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,
24 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by
25 Chapter 337 of the Statutes of 2006), 288.3 (as added by Section
26 6 of Proposition 83 of the November 7, 2006, statewide general
27 election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6
28 of the Penal Code shall remain confidential. Address information
29 obtained pursuant to this paragraph may not be used directly or
30 indirectly, or furnished to another, to sell a product or service to
31 any individual or group of individuals, and the requester shall
32 execute a declaration to that effect under penalty of perjury.
33 Nothing in this paragraph shall be construed to prohibit or limit a
34 scholarly, journalistic, political, or government use of address
35 information obtained pursuant to this paragraph.

36 (g) Test questions, scoring keys, and other examination data
37 used to administer a licensing examination, examination for
38 employment, or academic examination, except as provided for in
39 Chapter 3 (commencing with Section 99150) of Part 65 of Division
40 14 of Title 3 of the Education Code.

1 (h) The contents of real estate appraisals or engineering or
2 feasibility estimates and evaluations made for or by the state or
3 local agency relative to the acquisition of property, or to
4 prospective public supply and construction contracts, until all of
5 the property has been acquired or all of the contract agreement
6 obtained. However, the law of eminent domain shall not be affected
7 by this provision.

8 (i) Information required from any taxpayer in connection with
9 the collection of local taxes that is received in confidence and the
10 disclosure of the information to other persons would result in unfair
11 competitive disadvantage to the person supplying the information.

12 (j) Library circulation records kept for the purpose of identifying
13 the borrower of items available in libraries, and library and museum
14 materials made or acquired and presented solely for reference or
15 exhibition purposes. The exemption in this subdivision shall not
16 apply to records of fines imposed on the borrowers.

17 (k) Records, the disclosure of which is exempted or prohibited
18 pursuant to federal or state law, including, but not limited to,
19 provisions of the Evidence Code relating to privilege.

20 (l) Correspondence of and to the Governor or employees of the
21 Governor's office or in the custody of or maintained by the
22 Governor's Legal Affairs Secretary. However, public records shall
23 not be transferred to the custody of the Governor's Legal Affairs
24 Secretary to evade the disclosure provisions of this chapter.

25 (m) In the custody of or maintained by the Legislative Counsel,
26 except those records in the public database maintained by the
27 Legislative Counsel that are described in Section 10248.

28 (n) Statements of personal worth or personal financial data
29 required by a licensing agency and filed by an applicant with the
30 licensing agency to establish his or her personal qualification for
31 the license, certificate, or permit applied for.

32 (o) Financial data contained in applications for financing under
33 Division 27 (commencing with Section 44500) of the Health and
34 Safety Code, where an authorized officer of the California Pollution
35 Control Financing Authority determines that disclosure of the
36 financial data would be competitively injurious to the applicant
37 and the data is required in order to obtain guarantees from the
38 United States Small Business Administration. The California
39 Pollution Control Financing Authority shall adopt rules for review
40 of individual requests for confidentiality under this section and for

1 making available to the public those portions of an application that
2 are subject to disclosure under this chapter.

3 (p) Records of state agencies related to activities governed by
4 Chapter 10.3 (commencing with Section 3512), Chapter 10.5
5 (commencing with Section 3525), and Chapter 12 (commencing
6 with Section 3560) of Division 4, that reveal a state agency's
7 deliberative processes, impressions, evaluations, opinions,
8 recommendations, meeting minutes, research, work products,
9 theories, or strategy, or that provide instruction, advice, or training
10 to employees who do not have full collective bargaining and
11 representation rights under these chapters. Nothing in this
12 subdivision shall be construed to limit the disclosure duties of a
13 state agency with respect to any other records relating to the
14 activities governed by the employee relations acts referred to in
15 this subdivision.

16 (q) Records of state agencies related to activities governed by
17 Article 2.6 (commencing with Section 14081), Article 2.8
18 (commencing with Section 14087.5), and Article 2.91
19 (commencing with Section 14089) of Chapter 7 of Part 3 of
20 Division 9 of the Welfare and Institutions Code, that reveal the
21 special negotiator's deliberative processes, discussions,
22 communications, or any other portion of the negotiations with
23 providers of health care services, impressions, opinions,
24 recommendations, meeting minutes, research, work product,
25 theories, or strategy, or that provide instruction, advice, or training
26 to employees.

27 Except for the portion of a contract containing the rates of
28 payment, contracts for inpatient services entered into pursuant to
29 these articles, on or after April 1, 1984, shall be open to inspection
30 one year after they are fully executed. If a contract for inpatient
31 services that is entered into prior to April 1, 1984, is amended on
32 or after April 1, 1984, the amendment, except for any portion
33 containing the rates of payment, shall be open to inspection one
34 year after it is fully executed. If the California Medical Assistance
35 Commission enters into contracts with health care providers for
36 other than inpatient hospital services, those contracts shall be open
37 to inspection one year after they are fully executed.

38 Three years after a contract or amendment is open to inspection
39 under this subdivision, the portion of the contract or amendment
40 containing the rates of payment shall be open to inspection.

1 Notwithstanding any other provision of law, the entire contract
2 or amendment shall be open to inspection by the Joint Legislative
3 Audit Committee and the Legislative Analyst's Office. The
4 committee and that office shall maintain the confidentiality of the
5 contracts and amendments until the time a contract or amendment
6 is fully open to inspection by the public.

7 (r) Records of Native American graves, cemeteries, and sacred
8 places and records of Native American places, features, and objects
9 described in Sections 5097.9 and 5097.993 of the Public Resources
10 Code maintained by, or in the possession of, the Native American
11 Heritage Commission, another state agency, or a local agency.

12 (s) A final accreditation report of the Joint Commission on
13 Accreditation of Hospitals that has been transmitted to the State
14 Department of Health Care Services pursuant to subdivision (b)
15 of Section 1282 of the Health and Safety Code.

16 (t) Records of a local hospital district, formed pursuant to
17 Division 23 (commencing with Section 32000) of the Health and
18 Safety Code, or the records of a municipal hospital, formed
19 pursuant to Article 7 (commencing with Section 37600) or Article
20 8 (commencing with Section 37650) of Chapter 5 of Part 2 of
21 Division 3 of Title 4 of this code, that relate to any contract with
22 an insurer or nonprofit hospital service plan for inpatient or
23 outpatient services for alternative rates pursuant to Section 10133
24 of the Insurance Code. However, the record shall be open to
25 inspection within one year after the contract is fully executed.

26 (u) (1) Information contained in applications for licenses to
27 carry firearms issued pursuant to Section 12050 of the Penal Code
28 by the sheriff of a county or the chief or other head of a municipal
29 police department that indicates when or where the applicant is
30 vulnerable to attack or that concerns the applicant's medical or
31 psychological history or that of members of his or her family.

32 (2) The home address and telephone number of peace officers,
33 judges, court commissioners, and magistrates that are set forth in
34 applications for licenses to carry firearms issued pursuant to
35 Section 12050 of the Penal Code by the sheriff of a county or the
36 chief or other head of a municipal police department.

37 (3) The home address and telephone number of peace officers,
38 judges, court commissioners, and magistrates that are set forth in
39 licenses to carry firearms issued pursuant to Section 12050 of the

1 Penal Code by the sheriff of a county or the chief or other head of
2 a municipal police department.

3 (v) (1) Records of the Managed Risk Medical Insurance Board
4 related to activities governed by Part 6.3 (commencing with Section
5 12695) and Part 6.5 (commencing with Section 12700) of Division
6 2 of the Insurance Code, and that reveal the deliberative processes,
7 discussions, communications, or any other portion of the
8 negotiations with entities contracting or seeking to contract with
9 the board, or the impressions, opinions, recommendations, meeting
10 minutes, research, work product, theories, or strategy of the board
11 or its staff, or records that provide instructions, advice, or training
12 to employees.

13 (2) (A) Except for the portion of a contract that contains the
14 rates of payment, contracts for health coverage entered into
15 pursuant to Part 6.3 (commencing with Section 12695) or Part 6.5
16 (commencing with Section 12700) of Division 2 of the Insurance
17 Code, on or after July 1, 1991, shall be open to inspection one year
18 after their effective dates.

19 (B) If a contract that is entered into prior to July 1, 1991, is
20 amended on or after July 1, 1991, the amendment, except for any
21 portion containing the rates of payment, shall be open to inspection
22 one year after the amendment has been fully executed.

23 (3) Three years after a contract or amendment is open to
24 inspection pursuant to this subdivision, the portion of the contract
25 or amendment containing the rates of payment shall be open to
26 inspection.

27 (4) Notwithstanding any other provision of law, the entire
28 contract or amendments to a contract shall be open to inspection
29 by the Joint Legislative Audit Committee. The committee shall
30 maintain the confidentiality of the contracts and amendments
31 thereto, until the ~~contract or amendments to a contract~~ is *contracts*
32 *or amendments to the contracts* are open to inspection pursuant
33 to paragraph (3).

34 (w) (1) Records of the Managed Risk Medical Insurance Board
35 related to activities governed by Chapter 8 (commencing with
36 Section 10700) of Part 2 of Division 2 of the Insurance Code, and
37 that reveal the deliberative processes, discussions, communications,
38 or any other portion of the negotiations with health plans, or the
39 impressions, opinions, recommendations, meeting minutes,
40 research, work product, theories, or strategy of the board or its

1 staff, or records that provide instructions, advice, or training to
2 employees.

3 (2) Except for the portion of a contract that contains the rates
4 of payment, contracts for health coverage entered into pursuant to
5 Chapter 8 (commencing with Section 10700) of Part 2 of Division
6 2 of the Insurance Code, on or after January 1, 1993, shall be open
7 to inspection one year after they have been fully executed.

8 (3) Notwithstanding any other provision of law, the entire
9 contract or amendments to a contract shall be open to inspection
10 by the Joint Legislative Audit Committee. The committee shall
11 maintain the confidentiality of the contracts and amendments
12 thereto, until the ~~contract or amendments to a contract is~~ *contracts*
13 *or amendments to the contracts* are open to inspection pursuant
14 to paragraph (2).

15 (x) Financial data contained in applications for registration, or
16 registration renewal, as a service contractor filed with the Director
17 of Consumer Affairs pursuant to Chapter 20 (commencing with
18 Section 9800) of Division 3 of the Business and Professions Code,
19 for the purpose of establishing the service contractor's net worth,
20 or financial data regarding the funded accounts held in escrow for
21 service contracts held in force in this state by a service contractor.

22 (y) (1) Records of the Managed Risk Medical Insurance Board
23 related to activities governed by Part 6.2 (commencing with Section
24 12693) or Part 6.4 (commencing with Section 12699.50) of
25 Division 2 of the Insurance Code, and that reveal the deliberative
26 processes, discussions, communications, or any other portion of
27 the negotiations with entities contracting or seeking to contract
28 with the board, or the impressions, opinions, recommendations,
29 meeting minutes, research, work product, theories, or strategy of
30 the board or its staff, or records that provide instructions, advice,
31 or training to employees.

32 (2) (A) Except for the portion of a contract that contains the
33 rates of payment, contracts entered into pursuant to Part 6.2
34 (commencing with Section 12693) or Part 6.4 (commencing with
35 Section 12699.50) of Division 2 of the Insurance Code, on or after
36 January 1, 1998, shall be open to inspection one year after their
37 effective dates.

38 (B) If a contract entered into pursuant to Part 6.2 (commencing
39 with Section 12693) or Part 6.4 (commencing with Section
40 12699.50) of Division 2 of the Insurance Code is amended, the

1 amendment shall be open to inspection one year after the
2 amendment has been fully executed.

3 (3) Three years after a contract or amendment is open to
4 inspection pursuant to this subdivision, the portion of the contract
5 or amendment containing the rates of payment shall be open to
6 inspection.

7 (4) Notwithstanding any other provision of law, the entire
8 contract or amendments to a contract shall be open to inspection
9 by the Joint Legislative Audit Committee. The committee shall
10 maintain the confidentiality of the contracts and amendments
11 thereto until the contract or amendments to a contract are open to
12 inspection pursuant to paragraph (2) or (3).

13 (5) The exemption from disclosure provided pursuant to this
14 subdivision for the contracts, deliberative processes, discussions,
15 communications, negotiations, impressions, opinions,
16 recommendations, meeting minutes, research, work product,
17 theories, or strategy of the board or its staff shall also apply to the
18 contracts, deliberative processes, discussions, communications,
19 negotiations, impressions, opinions, recommendations, meeting
20 minutes, research, work product, theories, or strategy of applicants
21 pursuant to Part 6.4 (commencing with Section 12699.50) of
22 Division 2 of the Insurance Code.

23 (z) Records obtained pursuant to paragraph (2) of subdivision
24 (c) of Section 2891.1 of the Public Utilities Code.

25 (aa) A document prepared by or for a state or local agency that
26 assesses its vulnerability to terrorist attack or other criminal acts
27 intended to disrupt the public agency's operations and that is for
28 distribution or consideration in a closed session.

29 (ab) Critical infrastructure information, as defined in Section
30 131(3) of Title 6 of the United States Code, that is voluntarily
31 submitted to the California Office of Homeland Security for use
32 by that office, including the identity of the person who or entity
33 that voluntarily submitted the information. As used in this
34 subdivision, "voluntarily submitted" means submitted in the
35 absence of the office exercising any legal authority to compel
36 access to or submission of critical infrastructure information. This
37 subdivision shall not affect the status of information in the
38 possession of any other state or local governmental agency.

39 (ac) All information provided to the Secretary of State by a
40 person for the purpose of registration in the Advance Health Care

1 Directive Registry, except that those records shall be released at
2 the request of a health care provider, a public guardian, or the
3 registrant's legal representative.

4 Nothing in this section prevents any agency from opening its
5 records concerning the administration of the agency to public
6 inspection, unless disclosure is otherwise prohibited by law.

7 Nothing in this section prevents any health facility from
8 disclosing to a certified bargaining agent relevant financing
9 information pursuant to Section 8 of the National Labor Relations
10 Act (29 U.S.C. Sec. 158).

11 SEC. 3. Section 236.2 of the Penal Code is amended and
12 renumbered to read:

13 236.5. (a) Within 15 business days of the first encounter with
14 a victim of human trafficking, as defined by Section 236.1, law
15 enforcement agencies shall provide brief letters that satisfy the
16 following Law Enforcement Agency-Endorsement (LEA) (*LEA*)
17 *endorsement* regulations as found in paragraph (1) of subdivision
18 (f) of Section 214.11 of ~~Chapter~~ *Title* 8 of the Code of Federal
19 Regulations.

20 (b) The LEA must be submitted on Supplement B, Declaration
21 of Law Enforcement Officer for Victim of Trafficking in Persons,
22 of Form I-914. The LEA endorsement must be filled out completely
23 in accordance with the instructions contained on the form and must
24 attach the results of any name or database inquiry performed. In
25 order to provide persuasive evidence, the LEA endorsement must
26 contain a description of the victimization upon which the
27 application is based, including the dates the trafficking in persons
28 and victimization occurred, and be signed by a supervising official
29 responsible for the investigation or prosecution of trafficking in
30 persons. The LEA endorsement must address whether the victim
31 had been recruited, harbored, transported, provided, or obtained
32 specifically for either labor or services, or for the purposes of a
33 commercial sex act.

34 (c) Where state law enforcement agencies find the grant of a
35 LEA endorsement to be inappropriate for a victim of trafficking
36 in persons, the agency shall within 15 days provide the victim with
37 a letter explaining the grounds of the denial of the LEA. The victim
38 may submit additional evidence to the law enforcement agency,
39 which must reconsider the denial of the LEA within one week of
40 the receipt of additional evidence.

1 SEC. 4. Section 236.2 is added to the Penal Code, to read:

2 236.2. Law enforcement agencies shall use due diligence to
3 identify all victims of human trafficking, regardless of the
4 citizenship of the person. When a peace officer comes into contact
5 with a person who has been deprived of his or her personal liberty,
6 a person suspected of violating subdivision (a) or (b) of Section
7 647, or a victim of a crime of domestic violence or rape, the peace
8 officer shall consider whether the following indicators of human
9 trafficking are present:

10 (a) Signs of trauma, fatigue, injury, or other evidence of poor
11 care.

12 (b) The person is withdrawn, afraid to talk, or his or her
13 communication is censored by another person.

14 (c) The person does not have freedom of movement.

15 (d) The person lives and works in one place.

16 (e) The person owes a debt to his or her employer.

17 (f) Security measures are used to control who has contact with
18 the person.

19 (g) The person does not have control over his or her own
20 government-issued identification or over his or her worker
21 immigration documents.

22 SEC. 5. Section 293 of the Penal Code is amended to read:

23 293. (a) Any employee of a law enforcement agency who
24 personally receives a report from any person, alleging that the
25 person making the report has been the victim of a sex offense, or
26 was forced to commit an act of prostitution because he or she is
27 the victim of human trafficking, as defined in Section 236.1, shall
28 inform that person that his or her name will become a matter of
29 public record unless he or she requests that it not become a matter
30 of public record, pursuant to Section 6254 of the Government
31 Code.

32 (b) Any written report of an alleged sex offense shall indicate
33 that the alleged victim has been properly informed pursuant to
34 subdivision (a) and shall memorialize his or her response.

35 (c) No law enforcement agency shall disclose to any person,
36 except the prosecutor, parole officers of the Department of
37 Corrections and Rehabilitation, hearing officers of the parole
38 authority, probation officers of county probation departments, or
39 other persons or public agencies where authorized or required by
40 law, the address of a person who alleges to be the victim of a sex

1 offense or who was forced to commit an act of prostitution because
2 he or she is the victim of human trafficking, as defined in Section
3 236.1.

4 (d) No law enforcement agency shall disclose to any person,
5 except the prosecutor, parole officers of the Department of
6 Corrections and Rehabilitation, hearing officers of the parole
7 authority, probation offices of county probation departments, or
8 other persons or public agencies where authorized or required by
9 law, the name of a person who alleges to be the victim of a sex
10 offense or who was forced to commit an act of prostitution because
11 he or she is the victim of human trafficking, as defined in Section
12 236.1, if that person has elected to exercise his or her right pursuant
13 to this section and Section 6254 of the Government Code.

14 (e) For purposes of this section, sex offense means any crime
15 listed in paragraph (2) of subdivision (f) of Section 6254 of the
16 Government Code.

17 (f) Parole officers of the Department of Corrections and
18 Rehabilitation and hearing officers of the parole authority, and
19 probation officers of county probation departments, shall be entitled
20 to receive information pursuant to subdivisions (c) and (d) only if
21 the person to whom the information pertains alleges that he or she
22 is the victim of a sex offense or was forced to commit an act of
23 prostitution because he or she is the victim of human trafficking,
24 as defined in Section 236.1, the alleged perpetrator of which is a
25 parolee who is alleged to have committed the offense while on
26 parole, or in the case of a county probation officer, the person who
27 is alleged to have committed the offense is a probationer or is
28 under investigation by a county probation department pursuant to
29 Section 1203.

30 *SEC. 5.5. Section 293 of the Penal Code is amended to read:*

31 293. (a) Any employee of a law enforcement agency who
32 personally receives a report from any person, alleging that the
33 person making the report has been the victim of a sex offense, *or*
34 *was forced to commit an act of prostitution because he or she is*
35 *the victim of human trafficking, as defined in Section 236.1,* shall
36 inform that person that his or her name will become a matter of
37 public record unless he or she requests that it not become a matter
38 of public record, pursuant to Section 6254 of the Government
39 Code.

1 (b) Any written report of an alleged sex offense shall indicate
2 that the alleged victim has been properly informed pursuant to
3 subdivision (a) and shall memorialize his or her response.

4 (c) No law enforcement agency shall disclose to any person,
5 except the prosecutor, parole officers of the Department of
6 Corrections and Rehabilitation, hearing officers of the parole
7 authority, probation officers of county probation departments, or
8 other persons or public agencies where authorized or required by
9 law, the address of a person who alleges to be the victim of a sex
10 offense *or who was forced to commit an act of prostitution because*
11 *he or she is the victim of human trafficking, as defined in Section*
12 *236.1.*

13 (d) No law enforcement agency shall disclose to any person,
14 except the prosecutor, parole officers of the Department of
15 Corrections and Rehabilitation, hearing officers of the parole
16 authority, probation—~~offices~~ *officers* of county probation
17 departments, or other persons or public agencies where authorized
18 or required by law, the name of a person who alleges to be the
19 victim of a sex offense *or who was forced to commit an act of*
20 *prostitution because he or she is the victim of human trafficking,*
21 *as defined in Section 236.1,* if that person has elected to exercise
22 his or her right pursuant to this section and Section 6254 of the
23 Government Code.

24 (e) For purposes of this section, sex offense means any crime
25 listed in paragraph (2) of subdivision (f) of Section 6254 of the
26 Government Code.

27 (f) Parole officers of the Department of Corrections and
28 Rehabilitation and hearing officers of the parole authority, and
29 probation officers of county probation departments, shall be entitled
30 to receive information pursuant to subdivisions (c) and (d) only if
31 the person to whom the information pertains alleges that he or she
32 is the victim of a sex offense *or was forced to commit an act of*
33 *prostitution because he or she is the victim of human trafficking,*
34 *as defined in Section 236.1,* the alleged perpetrator of which is a
35 parolee who is alleged to have committed the ~~sex~~ offense while
36 on parole, or in the case of a county probation officer, the person
37 who is alleged to have committed the ~~sex~~ offense is a probationer
38 or is under investigation by a county probation department ~~pursuant~~
39 ~~to Section 1203.~~

1 *SEC. 6. Section 5.5 of this bill incorporates amendments to*
2 *Section 293 of the Penal Code proposed by this bill and AB 3038.*
3 *It shall only become operative if (1) both bills are enacted and*
4 *become effective on or before January 1, 2009, (2) each bill*
5 *amends Section 293 of the Penal Code, and (3) this bill is enacted*
6 *after AB 3038, in which case Section 293 of the Penal Code, as*
7 *amended by AB 3038, shall remain operative only until the*
8 *operative date of this bill, at which time Section 5.5 of this bill*
9 *shall become operative, and Section 5 of this bill shall not become*
10 *operative.*

11 ~~SEC. 6.~~

12 *SEC. 7. If the Commission on State Mandates determines that*
13 *this act contains costs mandated by the state, reimbursement to*
14 *local agencies and school districts for those costs shall be made*
15 *pursuant to Part 7 (commencing with Section 17500) of Division*
16 *4 of Title 2 of the Government Code.*